

Brian Sandoval, Governor



Maggie Tracey, O.M.D., *President*
Vince Link., O.M.D., *Vice President*
Lisa Mathews, O.M.D., *Secretary-Treasurer*
Fely Quitevis., *Member*
Abraham Jim Nagy, M.D., *Member*
Merle Lok, *Executive Director*

STATE OF NEVADA
BOARD OF ORIENTAL MEDICINE

*****PUBLIC NOTICE*****
REGULAR BOARD MEETING
July 28, 2016 @ 6:30 PM

AT THE FOLLOWING LOCATION:

Grant Sawyer Building, Office of the Attorney General, 555 East Washington Ave., Room #3018 - Las Vegas, NV 89101.

*****MINUTES*****

1. CALL TO ORDER (Discussion/For Possible Action) Vince Link, OMD, Vice President

Roll call to determine presence of a quorum, at 6:30 pm

Board Members Present:

Dr. Maggie Tracey, OMD
Dr. Vince Link, OMD
Dr. Lisa Mathews, OMD
Fely Quitevis, Public Member

Board Staff:

Sophia Long, Board Counsel, DAG
Bret Meich, Independent Counsel (Via telephone)
Merle Lok, Executive Director

Public:

In person:

Faith Noborikawa
Joel Rios
Rachel Kohl
Stephanie Jordan
Duvayna Steele
Huiwen Zhang
Yeaji Suh
Paul Larsen
Michael Ferris
Farolyn McSweeney

2. PUBLIC COMMENT

None

3. Adoption of Agenda (For Possible Action).

Motion: Dr. Link motioned to adopt the agenda

Second: Fely Quitevis
Action: Motion carried unanimously

4. *Approve or disapprove of the previous board meeting minutes of May 26, 2016 (For Possible Action).*

Motion: Dr. Link motioned to adopt the minutes
Second: Dr. Link as he was the only Board member present at the May 26, 2016 meeting
Action: Dr. Link voted to approve the minutes

5. *Discussion and deliberation regarding Joel Rios' application for the licensing examination.(For Possible Action)*

Based on communication with the previous Board ED Kim Reese who stated that Mr. Rios needed a separate BA to sit for the exam despite his MA in Oriental Medicine, Mr. Rios earned his BA from Nevada State College. Mr. Rios represented that he now has in excess of 3000 hours including 500 clinical hours. The DAG explained that it was the Board's policy at that time to accept college hours towards any deficiencies. Dr. Maggie Tracy stated that Mr. Rios followed the advice of the previous ED in good faith. If the ED was at fault for misinterpreting the statutes, Mr. Rios should not be penalized, given the extraordinary good faith effort of earning a BA after his MA explicitly to meet the Board's requirements. Dr. Link agreed that based on the transcript, Mr. Rios met the curriculum requirement content, even if the courses were not all from the same school.

Motion: Dr. Link motioned to approve Mr. Rios' application for the licensing examination
Second: Fely Quitevis
Action: Motion carried unanimously

6. *Approve or disapprove of Faith Noborikawa's application and for said applicant to take the licensing examination in December 2016 (For Possible Action).*

Ms. Noborikawa explained that the reason she was able to graduate from her TCM school in under 4 years with a Bachelors and a Master was that she had attended UNLV and transferred her undergraduate credits to her TCM school. The ED stated that Ms. Noborikawa has satisfied the statutes and the regulations.

Motion: Dr. Link motioned to approve Ms. Noborikawa's application for the licensing examination
Second: Dr. Tracey
Action: Motion carried unanimously

7. *Approve or disapprove of Dr. Tara Finley's CEU titled Rapid Acupuncture for 12 credits presented by Dr. Richard Niemtzow on 1/16-1/17/2016 (For Possible Action).*

Motion: Dr. Tracey motioned to approve
Second: Fely Quitevis
Action: Motion carried unanimously

8. *Approve or disapprove of NOMA's CEU titled Consotherapy for 12 credits to be presented by Dr. Jeffrey Z. X. Mah on 9/17-9/18/ 2016 at the Gold Coast Hotel in Las Vegas, NV (For Possible Action).*

Motion: Dr. Link motioned to approve
Second: Fely Quitevis
Action: Motion carried unanimously

9. *Discussion and deliberation regarding the sufficiency of fees and curriculum by Wougu University. (For Possible Action).*

Dr. Link stated that per our regulations, the Board has to review the school's curriculum and collect a fee of \$5000 each year. Dr. Link recounted that the school paid in 2016, but it did not

pay for 2014 and 2015 and the school stated that it paid for 2013. Dr. Link stated that the school claimed that it was not notified to pay and to submit its curriculum. Dr. Link stated that he cannot speak for the previous Board, but it is not up to the Board to remind the school or the licensees to pay their fees. Dr. Link stated that as a show of good faith, the Board is asking Wongu to show evidence that it paid for 2013, waive the fees for 2014 and 2015, and the ED should go through and sure that there is no change to the curriculum. Paul Larsen, the attorney for Wongu, accepts the proposal.

Motion: Dr. Link motioned to accept as sufficient Wongu University's curriculum submission for 2016, along with the submission of the annual \$5000 fees for years 2013 and 2016, and waive fees and curriculum submission for the years 2014 and 2015. Because the Board does not have any evidence at this time that Wongu University paid the \$5000 for the year 2013, if Wongu produces satisfactory evidence of payment within 45 days of written notice of this action, the Board will acknowledge the payment of said fee and not require that Wongu submit a payment for fees for 2013. (Per Bret Meich's clarification, the sufficiency of Wongu's curriculum submission does not include the approval of Wongu's curriculum. Paul Larsen agrees that if there is a question in the insufficiency of Wongu's curriculum, Wongu would willing come back and address it. Paul Larsen is in agreement with this motion. Dr. Yeaji Suh stated that if there were any substantial changes in the curriculum, Wongu is required to report these changes to ACAOM and Wongu has not reported any changes to ACAOM since 2012. A discussion of the meaning of sufficiency of curriculum ensued, with Wongu representatives stating that ACAOM and CPE accreditation should suffice for review purposes, and Dr. Link arguing that the Board is charged with this responsibility per the NRS. Mr. Meich stated that a discussion of the content of the curriculum exceeded the scope of the agenda item, and only the submission of the letter and sufficiency of fees paid by Wongu should be addressed. Dr. Link requested that Merle Lok, the ED, evaluate whether there were changes to the curriculum. Ms. Lok stated that she lacked the qualifications to do so. Dr. Link then requested Dr. Tracey, Dr. Mathews, and himself review the Wongu curriculum catalog for 2013 and 2016 to note any changes.)

Second: Fely Quitevis

Action: Motion carried unanimously

10. Discussion from AG regarding the bill submission process to the legislature (For discussion only).

The AG stated that our Board has to submit a bill through the Governor's Office which then chooses which bill to submit. The deadline of June 1 has passed to submit a bill through the Governor's bill. The next alternative is to get a legislator to submit a bill and that is normally done through a lobbyist. Bret Meich recommends finding a legislator to sponsor a bill and a paid lobbyist may not be necessary but it would be his recommendation. The Sunset Committee may also submit legislation.

11. Discussion and deliberation to direct the Board's Executive Director to solicit applicants for the Board's consideration at its next meeting for the retention of a lobbyist (For Possible Action).

Dr. Link stated that maybe some other organizations can work with the Board to address the dry needling issue. Dr. Tracey stated that hiring a lobbyist may be premature until the Board knows what it wants to do and what it is up against in the legislature. The AG stated that if the Board wants to hire a lobbyist, then a RFP has to be done which takes time. Dr. Tracey stated that the Wisconsin Society of Acupuncturists solicits contributions from its licensees to hire a lobbyist with a cost of around \$150 per licensee. The AG stated that the Board has the authority to hire a lobbyist. Dr. Link stated that it could be a group effort. Dr. Mathews asked whether it is legal to have other entities and the Board pay for the lobbyist. The AG stated that it is fine as long as it is clear which entity was responsible for its respective fees. This item is tabled.

12. Discussion and election of Board President and Secretary/Treasurer. (For Possible Action).

Motion: Dr. Link motioned to nominate Maggie Tracey for President

Second: Fely Quitevis

Action: Motion carried unanimously

Motion: Dr. Link motioned to nominate Lisa Mathews for Secretary/Treasurer

Second: Fely Quitevis

Action: Motion carried unanimously

13. Public Comment (Discussion Only).

Dr. Rachel Kohl: The purpose of the Board should be clear to the Board members. It seems that many of the prior Agenda items would be better handled by a professional organization. Dr. Kohl stated that she wonders if the Board should be acting as an accrediting agency for the school as the school is already regulated by CPE and ACAOM. If there were less barriers to entry, then there would be strength and power in numbers to fight issues like dry needling. The past conduct of the Board has created an environment where there is so few practitioners that it has created a vacuum for services and patients want the service and now they are getting the service from PTs.

Paul Larsen: The Board might reserve for future action that recognition of the ACAOM standard is a high standard and that if an Oriental Medical school submits its curriculum along with evidence that it meets ACAOM standards that it might in and of itself is sufficient to approve the curriculum.

14. Adjournment

Motion: Dr. Link motioned to adjourn.

Second: Fely Quitevis

Action: Motion carried unanimously - Adjourned

Meeting Minutes will be approved at a future Board Meeting.